

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

ORDER

PERMIT 17733 (APPLICATION 24578) OF SANTA YNEZ RIVER WATER
CONSERVATION DISTRICT, SANTA YNEZ RIVER WATERSHED
IN SANTA BARBARA COUNTY

**ORDER APPROVING CHANGE IN THE POINT OF DIVERSION, ISSUING A
NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 17733 was issued September 27, 1979 to Santa Ynez Water Conservation District.
2. A petition for extension of time was filed December 30, 1996, and a petition to change the existing points of diversion was filed December 20, 1999, with the State Water Resources Control Board (SWRCB).
3. The permittee has proceeded with diligence.
4. The SWRCB has determined that good cause for the requested change and extension of time has been shown.
5. Public notice of the request for extension of time was issued on March 17, 1999. One protest was received but the protest issue was later resolved.
6. Public notice of the change was issued on March 17, 2000, and no protests were received.
7. The SWRCB has determined that the petitions for change in point of diversion and extension of time do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. In addition, the SWRCB has determined that the change will not conflict with the general or coordinated plan or with water quality objectives established pursuant to law.
8. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

NOW, THEREFORE IT IS ORDERED THAT:

1. The designation of points of diversion in the permit shall be changed to read:

Moveable points between Point A, located 1,400 West of the NE corner of projected Section 30, T6N, R30W, SBB&M, and Point B, located 885 feet East of the NE corner of projected Section 30, T6N, R30W, SBB&M, as shown on a map on file with the State Water Resources Control Board.

2. Condition 9 of the permit be amended to read:

Complete application of the water to the authorized use shall be made by December 31, 2010.

(0000008)

3. The continuing authority condition shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

4. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

5. An endangered species term shall be added to read as follows:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

6. A term shall be added for the purpose of protecting any archeological discoveries:

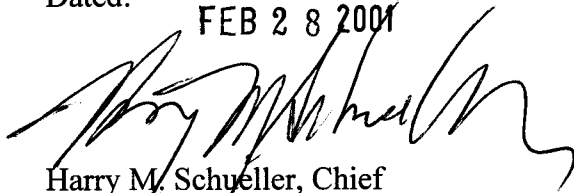
Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils

containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.

(0380500)

Dated:

FEB 28 2001



Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24578

PERMIT 17733

LICENSE _____

ORDER APPROVING POINT OF DIVERSION AND AMENDING THE PERMIT

WHEREAS:

1. A petition to change point of diversion has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:
 1. South 40 feet and West 20 feet from NE corner of projected Section 30, T6N, R30W, SBB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 30.
 2. South 10 feet and West 660 feet from NE corner of projected Section 30, T6N, R30W, SBB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 30.
 3. North 630 feet and West 810 feet from SE corner of projected Section 19, T6N, R30W, SBB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 19.
2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (000 0012)

3. Paragraph 18 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources, and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation plan may be required by the Board within this period. (000 0029)

Dated: **NOVEMBER 29 1984**

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17733

Application 24578 of Improvement District No. 1, Santa Ynez River Water
Conservation District
P. O. Box 157, Santa Ynez, California 93460

filed on March 22, 1974, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Santa Ynez River (Underflow)

Pacific Ocean

2. Location of point of diversion: California Coordinate System, Zone 5	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
1. N399,100; E1,377,300	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	20	6N	30W	SB
2. N399,000; E1,378,100	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	6N	30W	SB
3. N399,500; E1,379,900	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	6N	30W	SB

County of Santa Barbara

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Municipal	Municipal use within the boundaries of Improvement					
Irrigation	District No. 1, Santa Ynez River Water Conservation					
	District and its growth area and irrigation of a net area of 3,200 acres within a gross area of 21,000 acres in:		6N	30W	SB	
			6N	31W	SB	
			7N	30W	SB	
			7N	31W	SB	

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED: (A) 3.2 CUBIC FEET PER SECOND BY DIRECT DIVERSION FROM MARCH 1 TO NOVEMBER 15 OF EACH YEAR FOR IRRIGATION; AND (B) 0.8 CUBIC FOOT PER SECOND BY DIRECT DIVERSION FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR FOR MUNICIPAL USE. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT FOR ALL USES SHALL NOT EXCEED 2,220 ACRE- FEET PER YEAR. (0000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE MAY 1, 1990 AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED. (0000007)

8. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1990. (0000008)

9. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1995. (0000009)

10. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

11. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011) 11

12. PURSUANT TO CALIFORNIA WATER CODE SECTIONS 100 AND 275, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THE CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) USING WATER RECLAIMED BY ANOTHER ENTITY INSTEAD OF ALL OR PART OF THE WATER ALLOCATED; (3) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (4) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (5) CONTROLLING PHREATOPHYTIC GROWTH; AND (6) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012) replaced 11-29-84 12

13. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013) 13

14. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT AND THE PERMIT ISSUED PURSUANT TO APPLICATION 24579 SHALL NOT EXCEED 5,620 ACRE- FEET PER YEAR. (0000005)

15. AT SUCH TIME AS THE WATER LEVEL IN OBSERVATION WELL 6N/30W-29E1 (WINDMILL WELL) IS AT OR BELOW ELEVATION 445.5 FEET, PERMITTEE SHALL AT ITS OPTION EITHER: (A) REFRAIN FROM PUMPING FROM THE UNDERFLOW OF THE SANTA YNEZ RIVER PURSUANT TO THIS PERMIT, OR (B) SUPPLY WATER TO BRYANT MYERS, AND HIS SUCCESSORS IN INTEREST, FOR USE UPON HIS RIPARIAN LAND IN AMOUNTS NECESSARY TO IRRIGATE SUCH LAND, PROVIDED THAT MYERS AND SUCH SUCCESSORS PAY TO PERMITTEE WHAT THEIR COSTS WOULD HAVE BEEN TO PUMP SUCH AMOUNTS OF WATER FROM THEIR OWN WELLS.

IN THE EVENT THAT CREDITS IN THE "ABOVE NARROWS" ACCOUNT ARE AVAILABLE FOR RELEASE FROM LAKE CACHUMA PURSUANT TO ORDER NO. WR 73-37, OR ANY AMENDMENT THEREOF, AND 150 ACRES OF CREDITS ARE RESERVED FOR RELEASE AFTER SEPTEMBER 1 OF ANY YEAR, THE ELEVATION IN WELL 6N/30W-29E1 AT WHICH PERMITTEE MUST EITHER REFRAIN FROM PUMPING OR SUPPLY WATER SHALL BE 444.5 FEET.

JURISDICTION IS RETAINED TO MODIFY THIS CONDITION, IF NECESSARY, TO PROTECT FULLY THE EXERCISE OF ALL RIPARIAN RIGHTS, AND TO ALLOW FULL DEVELOPMENT OF THIS PERMIT AND TO PREVENT ANY UNNECESSARY RESTRICTIONS UPON PUMPING THEREUNDER. (0350900)

16. PERMITTEE SHALL DIVERT UNDER THIS PERMIT ONLY WATER WHICH WOULD HAVE BEEN AVAILABLE FROM THE UNREGULATED FLOW OF THE SANTA YNEZ RIVER WITHOUT THE CACHUMA PROJECT. (0000900)

17. NO WATER SHALL BE USED UNDER THIS PERMIT UNTIL THE PERMITTEE HAS FILED A REPORT OF WASTE DISCHARGE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COAST REGION, PURSUANT TO WATER CODE SECTION 13260, AND THE REGIONAL BOARD OR STATE WATER RESOURCES CONTROL BOARD HAS PRESCRIBED WASTE DISCHARGE REQUIREMENTS OR HAS INDICATED THAT WASTE DISCHARGE REQUIREMENTS ARE NOT REQUIRED. THEREAFTER, WATER MAY BE DIVERTED ONLY DURING SUCH TIMES AS ALL REQUIREMENTS PRESCRIBED BY THE REGIONAL BOARD OR STATE BOARD ARE BEING MET. NO DISCHARGES OF WASTE TO SURFACE WATER SHALL BE MADE UNLESS WASTE DISCHARGE REQUIREMENTS ARE ISSUED BY A REGIONAL BOARD OR THE STATE BOARD. A DISCHARGE TO GROUND WATER WITHOUT ISSUANCE OF A WASTE DISCHARGE REQUIREMENT MAY BE ALLOWED IF AFTER FILING THE REPORT PURSUANT TO SECTION 13260:

(1) THE REGIONAL BOARD ISSUES A WAIVER PURSUANT TO SECTION 13269, OR

(2) THE REGIONAL BOARD FAILS TO ACT WITHIN 120 DAYS OF THE FILING OF THE REPORT.

NO REPORT OF WASTE DISCHARGE PURSUANT TO SECTION 13260 OF THE WATER CODE SHALL BE REQUIRED FOR PERCOLATION TO THE GROUND WATER OF WATER RESULTING FROM THE IRRIGATION OF CROPS. (0290101)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEPTEMBER 27 1979

STATE WATER RESOURCES CONTROL BOARD

for Walter Peltus
CHIEF, DIVISION OF WATER RIGHTS